

**286-22/WDM-DJF**  
**FREEHILL, HOGAN & MAHAR LLP**  
*Attorneys for Claimants*  
*The City of New York, as Owner and*  
*Operator of the MARINE 1 BRAVO,*  
*Thomas Waller and Tara Waller*  
*(counterclaim only)*  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE PETITION

OF

NEW YORK CITY BOAT TOURS, LLC and  
EDWARD MATTIACE, as Owner of the 36'  
uninspected passenger vessel "HONCHO" bearing  
Hull Number HEB00069G585, Petitioners.

**1:22-cv-07383 (NGG)(LB)**

**ANSWER TO NEW YORK  
CITY BOAT TOURS, LLC  
AND EDWARD MATTIACE'S  
COUNTERCLAIM AGAINST  
CLAIMANT THOMAS  
WALLER**

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THE CITY OF NEW YORK as Owner and Operator of the MARINE 1 BRAVO,  
THOMAS WALLER and TARA WALLER (as to counterclaim only) by and through their  
attorneys, FREEHILL HOGAN & MAHAR LLP, in answer to the Counterclaim against Claimant  
Thomas Waller of New York City Boat Tours, LLC and Edward Mattiace, dated July 28, 2023,  
state upon information and belief, as follows:

**ANSWER TO COUNTERCLAIM AGAINST CLAIMANT THOMAS WALLER**

1. Deny each and every allegation contained in paragraphs 32, 33, 34, 35, 36 and 37  
of the Counterclaim.

**WHEREFORE,** THE CITY OF NEW YORK as Owner and Operator of the MARINE 1 BRAVO, THOMAS WALLER and TARA WALLER demand judgment in their favor denying the Counterclaim against Claimant Thomas Waller of New York City Boat Tours, LLC and Edward Mattiace and that this Court grant such other and further relief as may be just and proper.

Date: New York, New York  
August 29, 2023

FREEHILL HOGAN & MAHAR LLP  
*Attorneys for Claimants*  
*The City of New York, as Owner and Operator*  
*of the Marine 1 Bravo, Thomas Waller and Tara Waller*  
*(counterclaim only)*

By:   
\_\_\_\_\_  
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TO: John J. Hession, Esq.  
Guerric Russell, Esq.  
Nicoletti, Hornig & Sweeney  
*Attorneys for New York City Boat Tours, LLC*  
*and Petitioner Edward Mattiace*  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN THE MATTER OF THE PETITION

1:22-cv-07383 (NGG)(LB)

OF

**AFFIDAVIT OF SERVICE**

NEW YORK CITY BOAT TOURS, LLC and  
EDWARD MATTIACE, as Owner of the 36'  
uninspected passenger vessel "HONCHO" bearing  
Hull Number HEB00069G585, Petitioners.  
-----X

STATE OF NEW YORK     )  
                                      : ss:  
COUNTY OF NEW YORK    )

I, Annette Carrubba, being duly sworn, depose and say that I am not a party to the within action, am over 18 years of age and have an office and place of business at 80 Pine Street, New York, New York 10005.

On August 29, 2023, I served a true and correct copy of the within Answer to New York City Boat Tours, LLC and Edward Mattiace's Counterclaim against Claimant Thomas Waller upon:

John J. Hession, Esq.  
Guerric Russell, Esq.  
Nicoletti, Hornig & Sweeney  
Attorneys for New York City Boat Tours, LLC  
and Petitioner Edward Mattiace  
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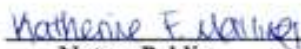
Paul T. Hofmann, Esq.  
Hofmann & Schweitzer  
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212 West 35<sup>th</sup> Street  
New York, New York 10001  
paulhofmann@hofmannlaw.com

Via ECF.



\_\_\_\_\_  
Annette Carrubba

Sworn to before me on this  
29th day of August 2023.

  
Notary Public

KATHERINE FRANCES MALLING  
NOTARY PUBLIC, State of New York  
No. 01MA0007010  
Qualified in Queens County  
Commission Expires May 5, 2027